

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEO L. DURAN,

Plaintiff,

v.

No. 09-cv-0758 MCA/SMV

CURRY CNTY. ADULT DET. CTR. et al.,


Defendants.

**ORDER GRANTING MOTION TO PROCEED
ON APPEAL WITHOUT PREPAYMENT OF COSTS OR FEES**

THIS MATTER is before the Court on the Prisoner's Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 [Doc. 314], filed on October 15, 2015. Absent certain exceptions that do not appear to be met here, "[a] party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization[.]" Fed. R. App. P. 24(a)(3). In this case, Plaintiff was granted leave to proceed *in forma pauperis* in the district court on August 6, 2009. [Doc. 3]. Accordingly, the Motion will be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Prisoner's Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 [Doc. 314] is **GRANTED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge